

23 February 2026

National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**Your Ref:** EN010151  
**Our Ref:** TAE/SHX/406888-00002

Dear Examining Authority

**Application by Beacon Fen Energy Park Limited for an order granting development consent for the Beacon Fen Energy Park Project**

**Planning Inspectorate reference EN010151**

**Interested party reference F82934B89**

**Closing summary statement**

1. This firm acts for Vicarage Drove Energy Centre Limited (“VDECL”) and is instructed to make this submission in respect of the application for a Development Consent Order (“DCO”) submitted by Beacon Fen Energy Park Limited (“the Applicant”) for development of a 400MW solar photovoltaic farm incorporating up to 600MVA Battery Energy Storage System and other related development (“the Proposed Development”), as accepted by the Planning Inspectorate on 1 May 2025 for examination under reference EN010151 (“the Examination”).
2. We refer to VDECL’s previous submissions to the Examining Authority (“ExA”), namely:
  - 2.1. Relevant representation reference RR-034;
  - 2.2. Written representation reference REP1-061;
  - 2.3. Written summary of oral submissions (CAH1) reference REP4-042.
3. We provide this further submission as a closing summary statement in respect of matters raised during the Examination that have not been resolved to the satisfaction of VDECL.

**Background to Vicarage Drove Energy Centre and current status**

4. VDECL operates a solar farm (Vicarage Drove Energy Centre – “VDEC”) under a lease of land to the south of Bicker Drove and to the north and south of Vicarage Drove, Boston PE20 3BQ. We refer to

paragraphs 3 to 6 of REP4-042 which provides further background to VDEC. VDECL has a leasehold interest in DCO plots 18-52, 18-56, 18-63 and 18-64.

5. In respect of the operational status of VDEC, as described in paragraph 5 of REP4-042, since the time of that submission VDEC became fully commissioned on 18 December 2025 (i.e. commenced export to the Grid).
6. VDECL is a statutory undertaker pursuant to a generation licence dated 12 September 2025, issued under section 6(1)(a) of the Electricity Act 1989.

### **Interface between VDEC solar farm and the Proposed Development**

7. Annex 1 to REP4-042 is a plan showing the as-built layout of VDEC. This plan was submitted into the Examination on behalf of VDECL following CAH1 in which there was discussion over the extent of land over which compulsory acquisition powers are sought by the Applicant, and the impact on VDEC apparatus currently in situ. The Applicant also submitted a Constraints Masterplan [AS-032] showing various project interfaces in the vicinity of Beacon Fen substation and an indicative cable route through plots 18-52 and 18-56.
8. The Applicant submitted revised Land Plans (Revision 5) at Deadline 7 [REP7-003] removing parts of plots 18-52 and 18-56 from the land over which compulsory acquisition powers are sought. New plots 18-63 and 18-64 were created, over which no powers are sought. These changes are welcomed by VDECL given the effective reduction of the DCO red line over VDEC.
9. Notwithstanding the reduction in the area of VDEC over which the Applicant seeks compulsory acquisition powers, the Applicant continues to seek powers over an operational solar farm including areas on which solar panels are in situ. For this reason, and in the absence of agreed protective provisions and a side agreement to protect the operation of VDEC, VDECL retains its objection to the Proposed Development as per its previous submissions and as summarised in this closing summary statement.

### **Response to the Applicant's position prior to the close of the Examination**

10. We note from the Applicant's Closing Statement [REP8-029] that the Applicant considers the combination of reduced powers of compulsory acquisition over VDEC, along with the offered protective provisions at Part 12 of Schedule 11 to the draft Order [REP8-004], will ensure there is no serious detriment to VDECL's statutory undertaking (see page 40).
11. As regards the prospect of serious detriment to VDECL's statutory undertaking, it remains VDECL's view that in the absence of the results of ongoing commercial modelling (which is due to be completed imminently and we will provide the ExA with an update on this point as soon as possible) it is premature to make an assessment of the level of detriment the Proposed Development will have on VDECL's statutory undertaking. The Proposed Development has the potential to cause significant detriment to VDECL's undertaking in light of the disruption and direct financial implications of the powers sought and absence of any alternative land offered by the Applicant to compensate for the loss of generating capacity that would arise.

### ***Final Draft Development Consent Order***

12. VDECL does not consider the protective provisions included in the final draft Order [REP8-004] are sufficient protection for its statutory undertaking.

13. With commercial modelling ongoing, and with a view to that work feeding into a side agreement and agreement on protective provisions, there remains a prospect that VDECL's objection to the Proposed Development can be withdrawn. However, at this point in time, there is no such agreement in place and the only secured protection for the operation of VDEC is the proposed protective provisions in favour of VDECL at Part 12 of Schedule 11 to the draft Order.
14. We refer to VDECL's previous submission reference REP4-042 where at paragraphs 20 to 30 we set out VDECL's position on the matter of serious detriment and the level of protection required in respect of VDECL's statutory undertaking. In the absence of agreement with the Applicant the position of VDECL remains substantially the same as set out in those paragraphs.
15. Whilst detailed protective provisions remain the subject of ongoing engagement between VDECL and the Applicant, we are particularly concerned to see the removal of any protection from compulsory acquisition of VDECL's apparatus and land in the Applicant's proposed protective provisions at Part 12 of Schedule 11 to the draft Order [REP8-004]. The ExA will note that the standard protective provisions for the benefit of electricity undertakers, at Part 1 of Schedule 11, include at paragraph 5 provisions preventing the acquisition of a statutory undertaker's apparatus otherwise than by agreement. At paragraph 1 of this Part 1 the standard protective provisions are stated to apply *save for* where a statutory undertaker is specifically protected by another Part of the Schedule. The effect is that the protective provisions of Part 1 are specifically disapplied in respect of VDECL and cannot be relied on. No equivalent provisions to paragraph 5 of Part 1 are included in Part 12 for the benefit of VDECL. In offering bespoke protective provisions, VDECL will be placed in a substantially worse position than if it had reliance on Part 1 of Schedule 11.

#### **Action 9 from CAH1**

16. The Applicant stated in its responses to remaining action points [REP5-046] that NGET is targeting finalised design early in 2026. We have received no update from the Applicant on design progress with NGET. It remains the position of VDEC that a commitment to the eastern cable route (Option A, connecting into the eastern side of the proposed substation extension) would be sufficient to remove VDECL's principal objection to the Proposed Development, leaving only confirmation of matters of access and protection from damage where works are proposed in the vicinity of VDEC.
17. We would encourage the Applicant to provide the ExA with a further update on the status of design progress with NGET and an update on timescales for design finalisation, given it is directly relevant to the ongoing commercial modelling and proposed side agreement.

It is our intention to ensure the ExA remains informed of progress towards agreement between the VDECL and the Applicant during the post-Examination recommendation stage.

Yours faithfully



**Ashfords LLP**